

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5910 of 2020**

Arising Out of PS. Case No.-1179 Year-2014 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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LAHWAR SAHNI S/o Late Dukhan Sahni R/o village- Dumari, P.S.-
Majhaulia, District- West Champaran Petitioner

Versus

1. THE STATE OF BIHAR
 2. Mohan Ram S/o Tapsi Ram R/o village- Dumari, P.S.- Majhaulia, District-
West Champaran
- Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 01-07-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner in the present case is seeking anticipatory
bail in connection with Complaint Case No. 1179-C of 2014 in which
cognizance has been taken for the offences punishable under Sections
380, 323, 448, 504, 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case. It is further
submitted that there is no service report of either summons or warrant
of arrest or other coercive steps to show that the petitioner had
knowledge that he was wanted in this case. It is submitted that only
when the petitioner came to his native place from the place of job he
came to know about the present case.

Learned APP for the State has opposed the prayer for



anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein learned counsel for the petitioner has informed this Court that in want of information the petitioner failed to surrender as a result whereof he has been declared absconder, this Court finds that the anticipatory bail application cannot be entertained for an absconding accused.

The Court finds that the learned Additional Sessions Judge IX, West Champaran, Bettiah has already given an observation that the petitioner may pray for regular bail in the court below.

In case the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today his prayer for regular bail shall be considered keeping in view the submissions of the petitioner that he was not duly served and further that co-accused have been granted regular bail by the learned court below and the learned court below shall not be prejudiced by the order refusing to entertain the anticipatory bail application of the petitioner.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

